

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Boumaza et al.
Serial No. : 10/588,119
International Serial No. : PCT/FR2005/000375
International Filing Date : February 17, 2005
Priority Date : February 17, 2004
Docket No. : RFR0146
Title : METAL AND PLASTIC COMPOSITE STRUCTURE, IN
PARTICULAR FOR THE FRONT FACE OF A MOTOR
VEHICLE

DECLARATION ESTABLISHING FACTS IN ACCORDANCE WITH 37 CFR §1.47(a)

MAILSTOP: PCT MISSING PARTS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, David M. LaPrairie, make the following declaration from my personal knowledge and under the penalty of perjury.

1. I am a citizen of the United States of America.
2. I am a patent attorney, Registration No. 46,295, at Howard & Howard Attorneys, P.C. of Bloomfield Hills, MI.
3. I represent Valeo Systemes Thermiques, a corporation, (hereinafter "Valeo") of La Verriere, France.
4. François Boumaza (hereinafter "Mr. Boumaza") was employed by Valeo to invent new technology for Valeo, including the subject matter of this application (U.S. Application No. 10/588,119).

5. On February 17, 2005, an International Application was filed listing inventors Jean-Louis Lanard, Jean-Nicolas Guyomard, and Mr. Boumaza. This International Application is International Application No. PCT/FR2005/000375 with a priority date of February 17, 2004.

6. A nonprovisional application was filed with the United States Patent and Trademark Office on August 1, 2006. This application is Application No. 10/588,119. An Oath or Declaration of the inventors was not filed at the time of filing in the U.S.

7. Mr. Boumaza resigned from Valeo in 2006.

8. In and throughout December 2006 and January 2007, Valeo followed up with Mr. Boumaza on more than one occasion to obtain his signature on a combined Declaration/Power of Attorney. However, Mr. Boumaza would not and did not execute the Declaration/Power of Attorney.

9. On August 13, 2007, I prepared a priority letter to be sent to Mr. Boumaza. This letter explained to Mr. Boumaza his interest in signing the Declaration/Power of Attorney, and requested that Mr. Boumaza review the nonprovisional application and sign the Declaration/Power of Attorney with the nonprovisional application declaring that he was an inventor. In this letter, I supplied Mr. Boumaza with all of my contact information (address, email, and phone) in the event he had any questions (see Exhibit A).

10. On August 13, 2007, the priority letter and another copy of the entire nonprovisional application (in both English and French languages), along with a Declaration/Power of Attorney, and a prepaid return envelope, were forwarded via Federal Express (FedEx) by my assistant, Sandra Barry, to Mr. Boumaza's last known address at the time (Mr. Boumaza's home address) at 19 Rue Sextius Michel 75015 Paris, France (see Exhibit B). FedEx was used because this address was an international address.

11. From August 16, 2007 through August 20, 2007, FedEx attempted three deliveries of the priority letter to Mr. Boumaza's home address. However, in each of these attempts, FedEx noted that Mr. Boumaza was not available to sign for the certified letter (nor was anyone else) (see Exhibit C). A notice of subsequent delivery attempts was left at Mr. Boumaza's home address each time an attempt was made (along with instructions on how Mr. Boumaza could arrange for personal pick-up of the priority letter).

12. On August 20, 2007, after receiving the third delivery exception from FedEx, a hold was placed on the priority letter to allow Mr. Boumaza additional time (typically at least 5 days) to physically pick-up the priority letter at the closest FedEx location, at 50 Rue Ardoin, 93400 Saint-Ouen, France, which is located approximately 6 miles from Mr. Boumaza's home address.

13. From August 20, 2007 through August 31, 2007, FedEx held the priority letter at the closest FedEx location to allow Mr. Boumaza to physically pick-up the letter (Exhibit C).

14. From September 3, 2007 through September 5, 2007, FedEx attempted three additional deliveries of the priority letter to Mr. Boumaza's last known address. At some point during this period, FedEx discovered that Mr. Boumaza must have moved to a new address (Exhibit C).

15. On September 6, 2007, FedEx found Mr. Boumaza's new address, near Le Mesnil-Amelot, France; however, Mr. Boumaza was again not available to sign for the priority letter (nor was anyone else). A notice was left at Mr. Boumaza's new address of the delivery attempt along with instructions on how Mr. Boumaza could arrange for personal pick-up of the priority letter (Exhibit C).

16. From September 6, 2007 through September 13, 2007, FedEx held the priority letter at the FedEx location in Le Mesnil-Amelot, France to allow Mr. Boumaza to physically pick-up the letter (Exhibit C).

17. On September 14, 2007, FedEx made a seventh delivery attempt to Mr. Boumaza's new address near Le Mesnil-Amelot, France, at which time FedEx found Mr. Boumaza and Mr. Boumaza received and signed for the priority letter (see Exhibits C and D).

18. On September 26, 2007, my office contacted FedEx to determine the actual address where the priority letter was ultimately delivered and signed for by Mr. Boumaza. The primary purpose of this inquiry was to provide the most up-to-date address for Mr. Boumaza to the USPTO. This address was 6AL Des Haras 77185, Lognes, France.

19. Mr. Boumaza still has not executed the Declaration/Power of Attorney for Valeo, and has not contacted Valeo or myself to further discuss this matter to date.

20. The remaining two joint inventors, Jean-Louis Lanard and Jean-Nicolas Guyomard, have signed the Declaration/Power of Attorney.

21. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true, and further that these statements were made with the knowledge that willful and false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Dated: September 26, 2007


David M. LaPrairie

Howard & Howard

law for business®

direct dial: 248.723.0442

David M. LaPrairie

email: DML@h2law.com

August 13, 2007

Via Federal Express

Monsieur Francois BOUMAZA
19, rue Sextius Michel
75015 PARIS
France

Ref. No.: RFR0146 (065480.00006)
Objet: Signature de pouvoir

Monsieur,

It is a pleasure to make your acquaintance. Please allow me to introduce myself. My name is David LAPRAIRIE and I am a patent attorney in the United States working on behalf of Valeo Systemes Thermiques (Valeo). I have been asked by Valeo to communicate with you.

Please forgive the fact that this letter is in English. Unfortunately, I am unable to effectively communicate in the French language, and I understand from Valeo that you may be able to communicate in the English language. I recognize that this is inconvenient for you and humbly appreciate your understanding in this regard.

On December 22, 2006, two documents were sent to you for the patent application entitled "STRUCTURE COMPOSITE EN METAL ET MATIERE PLASTIQUE, EN PARTICULIER POUR UNE FACE AVANT DE VEHICULE AUTOMOBILE" (additional copies of this application in both the French and English languages are attached for your convenience). The first document was an Assignment and the second document was a Declaration/Power of Attorney (DEC/POA). While Valeo certainly appreciates your attention to signature of the Assignment, my letter today specifically addresses the second document, the DEC/POA because timing is now urgent.

By reply email to Gwenaelle LAVAREC-DRAPEAU, you asked...what is your interest in signing the documents? In relation to the DEC/POA, this document accomplishes many things. Importantly, the DEC/POA identifies and acknowledges that you are an inventor. Therefore, because along with Jean-Louis LANARD and Jean-Nicolas GUY-OMARD, you invented this concept, it is in your best interest to sign the document and put your name next to the fact that you are indeed an inventor.

As indicated above, the DEC/POA is the most critical. For your convenience we are providing another copy of a Declaration and a return envelope with postage prepaid. We apologize for the short

Monsieur Francois BOUMAZA

August 13, 2007

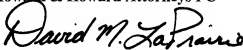
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timing, but we must have your signed DEC/POA returned no later than August 22, 2007. Otherwise, the patent application for your invention may go abandoned.

We appreciate your cooperation in this matter. Please contact me in the United States at (248) 723-0442 or at dml@h2law.com if you have any questions.

Again, we apologize for all of this inconvenience to you.

Yours very truly,
Howard & Howard Attorneys PC



David M. LaPrairie

DML:slb

Cc: Jean-Christophe Rolland

Gwenaëlle Lavarec-Drapeau

Enc. Copy of Application in French and English
Declaration

Exhibit B

[REDACTED]

From: TrackingUpdates@fedex.com
Sent: Monday, August 13, 2007 3:32 PM
To: Barry, Sandra L.
Subject: FedEx Shipment Notification

This tracking update has been requested by:

Company Name: Howard and Howard Attorneys PC

Name: Sandra Barry

E-mail: sbarry@howardandhoward.com

Sandra Barry of Howard and Howard Attorneys PC sent Francois BOUMAZA 1 FedEx International Priority package(s).

This shipment is scheduled to be sent on 08/13/2007.

Reference information includes:

Reference: 065480.00006

The tracking number(s) is (are)
799691971000

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

To learn more about FedEx Express, please visit our website at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

Exhibit C

Track Shipments/FedEx Kinko's Orders
Detailed Results

Tracking number	799691971003	Reference	065480.00006
Signed for by	.BOUMAZA	Destination	PARIS FR
Ship date	Aug 13, 2007	Delivered to	Residence
		Service type	Priority Envelope
		Weight	0.8 lbs.

Status Delivered

Signature image available Yes

Date/Time	Activity	Location	Details
Sep 14, 2007	10:06 AM	Delivered	PARIS FR
	10:05 AM	On FedEx vehicle for delivery	LE MESNIL AMELOT FR
Sep 13, 2007	9:48 AM	At local FedEx facility	LE MESNIL AMELOT FR
Sep 12, 2007	9:04 AM	At local FedEx facility	LE MESNIL AMELOT FR
Sep 11, 2007	9:02 AM	At local FedEx facility	LE MESNIL AMELOT FR
Sep 10, 2007	9:15 AM	At local FedEx facility	LE MESNIL AMELOT FR
Sep 7, 2007	10:29 AM	At local FedEx facility	LE MESNIL AMELOT FR
Sep 6, 2007	8:09 PM	At local FedEx facility	LE MESNIL AMELOT FR
	10:27 AM	Delivery exception	LE MESNIL AMELOT FR
	8:00 AM	On FedEx vehicle for delivery	LE MESNIL AMELOT FR
	6:31 AM	At local FedEx facility	LE MESNIL AMELOT FR
	4:30 AM	Departed FedEx location	PARIS FR
Sep 5, 2007	12:03 AM	Arrived at FedEx location	PARIS FR
	8:31 PM	Arrived at FedEx location	PARIS FR
	8:19 PM	In transit	ST OUEN FR
	7:18 PM	At local FedEx facility	ST OUEN FR
	11:53 AM	Delivery exception	ST OUEN FR
Sep 4, 2007	8:17 AM	On FedEx vehicle for delivery	ST OUEN FR
	7:15 AM	Int'l shipment release	ST OUEN FR
	7:41 PM	At local FedEx facility	ST OUEN FR
	10:25 AM	Delivery exception	ST OUEN FR
	9:41 AM	Delivery exception	ST OUEN FR
Sep 3, 2007	13:43 AM	On FedEx vehicle for delivery	ST OUEN FR
	6:58 PM	Arrived at FedEx location	PARIS FR
	3:42 PM	Delivery exception	ST OUEN FR
Aug 31, 2007	9:45 AM	On FedEx vehicle for delivery	ST OUEN FR
	7:32 PM	At local FedEx facility	ST OUEN FR
Aug 30, 2007	7:22 PM	At local FedEx facility	ST OUEN FR
Aug 29, 2007	7:21 PM	At local FedEx facility	ST OUEN FR
Aug 28, 2007	7:15 PM	At local FedEx facility	ST OUEN FR
Aug 27, 2007	7:14 PM	At local FedEx facility	ST OUEN FR
Aug 24, 2007	7:47 PM	At local FedEx facility	ST OUEN FR

Exhibit C

Aug 23, 2007	7:57 PM	At local FedEx facility	ST OUEN FR	
Aug 22, 2007	7:44 PM	At local FedEx facility	ST OUEN FR	
Aug 21, 2007	8:12 PM	At local FedEx facility	ST OUEN FR	
Aug 20, 2007	7:30 PM	At local FedEx facility	ST OUEN FR	
	10:54 AM	Delivery exception	ST OUEN FR	Customer not available or business closed
	8:17 AM	On FedEx vehicle for delivery	ST OUEN FR	
Aug 17, 2007	11:50 AM	Delivery exception	ST OUEN FR	Customer not available or business closed
	8:08 AM	On FedEx vehicle for delivery	ST OUEN FR	
Aug 16, 2007	11:33 AM	Delivery exception	ST OUEN FR	Customer not available or business closed
	7:58 AM	On FedEx vehicle for delivery	ST OUEN FR	
	7:06 AM	At local FedEx facility	ST OUEN FR	
	3:39 AM	Departed FedEx location	PARIS FR	
Aug 15, 2007	10:29 PM	Departed FedEx location	PARIS FR	
	4:16 AM	Departed FedEx location	PARIS FR	
Aug 14, 2007	10:31 PM	Departed FedEx location	PARIS FR	
	7:17 PM	Arrived at FedEx location	PARIS FR	
	7:17 PM	Int'l shipment release	PARIS FR	
	5:10 AM	Departed FedEx location	INDIANAPOLIS, IN	
	1:35 AM	Arrived at FedEx location	INDIANAPOLIS, IN	
	1:27 AM	Departed FedEx location	INDIANAPOLIS, IN	
Aug 13, 2007	8:28 PM	Left origin	AUBURN HILLS, MI	
	5:36 PM	Picked up	AUBURN HILLS, MI	
	2:14 PM	Package data transmitted to FedEx		

Signature proof

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English

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Add personal message:

Not available for Wireless or non-English characters.

☐ By selecting this check box and the Submit button, I agree to these Terms and Conditions

Submit

Exhibit D



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

September 25, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **799691971003**.

Delivery Information:

Status:	Delivered	Delivery location:	PARIS
Signed for by:	.BOUMAZA		
Service type:	Priority Envelope		



Shipping Information:

Tracking number:	799691971003	Ship date:	Aug 13, 2007
		Weight:	0.8 lbs.
Recipient:	PARIS FR		
	Shipper: BLOOMFIELD HILLS, MI US		
Reference	065480.00006		

Thank you for choosing FedEx Express.

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